G. R. S., IX-5]

Previous references.

Cls 1—1881

1882-1883.

~~191~~.

(Courts)

File No. 2

Serial Nos. 1—6

Later references.

Cls 2-1886

Cls 12-1892

Cls 277-1914

" 248-18 (1-10)

" 132-20 (1-5)

" 207-24, 1921

P. 22

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—6

Part B for November 1884

SUBJECT.

Reciprocal execution of criminal processes issued in the C & M. Station and elsewhere in H. H. The Maharaja's territories.

W D 88—GPB—50,000—24-7-16

(General Serial No. 31.)

1883. 25.

From Melissa to the Resident Lyons

To

Courts
3- 1882-1883

Dated 13 April 83
Despatchcd

Received

Enclosures No. 1 file

General No. 1024.
No. 25.

Requesting that the Brit Magistrate of Mahe be directed to issue his own warrant for the apprehension of Jamaluddin. of 15th Regt M.N.I. Bangr.

2 No. 104/25 (6)

Office of the Resident in Mysore.
Bangalore, 13th April 1883.

To

The Dewan
of Mysore.

Sir,

With reference to your Secretary's letter No. 27 dated 9th Instant, applying for a warrant under the Extradition Act addressed to the Officer Commanding 15th Regiment, M. N. I. Bangalore for the surrender to the Mysore authorities of one Jamaludin alias Abdul Wahab who is accused of having committed the offence of theft in the Kolar District, I am directed by the Resident to state that as the Civil and Military Station of Bangalore in which the accused person is said to reside, is Mysore territory and not part of British India it is inappropriate to apply the Extradition Act in the present case - The proper course seems to be for the District Magistrate of Kolar to issue his own warrant for the arrest of the accused person and to send it to the District Magistrate of the Civil and Military Station for execution. I am at the same time to invite your attention to this Office letter

letter No. 1409/281 dated 5th September 1881 to the late Dewan stating that Processes of Criminal Courts may be freely exchanged and executed between the Civil and Military Station and the interior of Mysore.

2. The original enclosures of your Secretary's letter are herewith returned.-

I have the honor to be,

Sir,

Your most obedient Servant.

A. Wyllie

Assistant to the Resident.

J.H.

14.4.83

Mr Webber draft

4/17 Mr. to Mr

2nd Inspection Mr C

Mun

14/4/83

4 2

(General Serial No. 31.)

188 3.

From

To The Hon'ble the Chief Secretary to Government of Bombay

Bombay
3. 1882-1883

Dated 19th April

Despatched —

Received

Enclosures No. 1 file

General No. 330
No. 15

Hon'ble Chief's ltr No 1601/707 dy 30th March 83.

In returning the Enclosures read with the above has the honor to forward herewith copy of Apn't Resident's ltr No 1024/25-7 13 Apl 1883, indicating the course that should be adopted to procure the surrender of Jamadar alias Abdul Rahak of the 15th Reg't N. I.

I Bombay

Secy

Secy
14/4/1883 Rec'd

(7 8)

1873.

From Deputy Superintendent
Land Records District
Bangalore

To the Dewan of Mysore
Secretary to ~~Chief Commissioner~~,
Revenue ~~General~~ Department.

Mr Webber
24/7 Rg Mar 24/7/83

Dated 20th July 1883
Despatched 23rd July 1883
Received

Enclosures No. 2 files of vernacular papers

General No.
No. 269 } 1873—84.

Secretary's No 1078—9 of 5
June 1883.

Forwards for transmission to the Magistrate Civil and Military Station Bangalore, a request to endorse for execution a warrant for the levy of Criminal fine from Mahomed Shafi Saheb and also a reply to the Magistrates Docket about the possession of a license by Hussain Beg for a gun purchased by him.

6

Tumkur District
District Magistrate's Office
Maddagiri, 20th July 1883.

No. 269

To

The Secretary to the Dewan
of Mysore.

Sir,

I have the honor with reference to the Dewan's order contained in the last para of his Proceedings No. 1078-9 dy 6th June 1883, to forward herewith for transmission to the Magistrate of the Civil & Military Station Bangalore, a request by me to endorse for Execution within his limits a warrant issued by this Court for the levy of Criminal fine from Mahomed Khâli Saheb, who is said to be residing within that Station; and also a reply to the Magistrates Canarese docket No. 265 dy 17th January 1883 regarding the possession or otherwise of a license by Hussein Beg for a gun purchased by

by him within the above named
Station -

I have the honor to be,
Sir,
Your most Obedient Servt

Lud. Ah. K.S.
District Magistrate
of Tamluk.

8 (9)

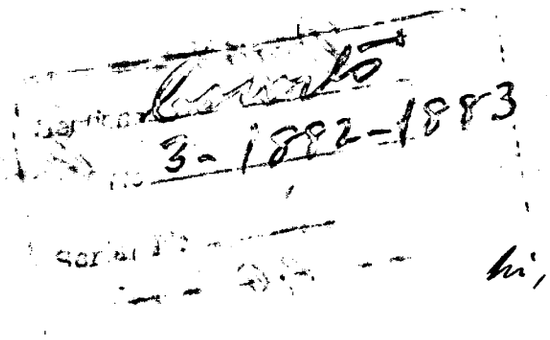
Dewan's Office

Bangalore 26 July 83.

No. 2211/104.

To,

The Agent to the
Resident in
Mysore.



Sir,

I have the honor
by direction of the
Dewan to forward
herewith copy of letter
No 209 dy 20 July 83,
with its enclosures, recd
from the Distt Magte,
Tumkur, and to request
that the same may
be transmitted to the
Magistrate, Civil & Mily
Station

I have &c

H S
for Secy.

Copy of Canl papers

Clerk
24/7/83.

2

1883

9

To,

The Assistant
to the Resident
in Mysore.

Dated, 26th July.
Despd
by
Encl: C8°. 1 & (with
papers)

draft
C8°. 2211/104.

Forwarding copy
of letter No. 269 & 270/83 &
with its Enclosures from the
Dt. Magte, Tumkur for
transmission to the Magte,
Cavm Station.

No. 1612/264 10 (10)

Courts
3-1882-1883

Office of the Resident in Mysore
Bangalore, 10th November 1884.

To

The Dewan of Mysore.

Sir,

I have the honor by desire of the Resident to convey to you (in para 8 of this letter) for the information of the Government of His Highness the Maharajah the orders of the Government of India regarding the Surrender of Criminals between the Civil and Military Station of Bangalore and the Mysore State.—

2. The correspondence which led to these orders being passed may be briefly stated as follows:—

In July 1883, the Government of India in acknowledging the receipt of a copy of the correspondence which passed between the Resident and the Durbar in the case of one Jamal-ud-din alias Abdul Wahid observed

observed that the procedure in cases of extradition between the Civil and Military station of Bangalore and the state of Mysore appeared to be governed by Rules framed in 1881 and requested if such was the case that the Foreign office might be furnished with a copy of the rules in question.

3. In answer to this letter Mr. Lyall informed the Government of India that no rules on the subject under reference had been passed; but that the question having arisen in 1881, the then officiating Resident (Mr. Sandford) had expressed the opinion that Criminal processes might be freely exchanged and executed between the Civil and Military station and Mysore, as the former was not British but Mysore Territory.

Mr. Lyall added that the Government of His Highness were also of the same opinion and that by virtue of the orders then passed there was now complete reciprocity in the execution of Criminal processes between the Station and Mysore.—

4.

4. In reply to the above, the Government of India observed that the orders passed by Mr. Sandford and the Durbar appeared to be based upon an imperfect apprehension of the circumstances of the case. While admitting that the Civil and Military station was no doubt Mysore Territory in that the ultimate sovereignty over it remained with the Maharaja, the Government of India pointed out that the exclusive management of the tract comprising the Civil and Military Station had been assigned to the British Government and that His Highness had expressly renounced all jurisdiction within it and that consequently it did not by any means stand on the same footing with the districts of the Mysore State in regard to matters of jurisdiction, the Government of India could not therefore accept the theory put forward by Mr. Lyall's predecessor and the Durbar.—

5. The Government of India then proceeded to observe that on the one hand

the

the rules issued by the Durbar having never been sanctioned by the Governor-General in Council were not expressly binding on British Courts, and that on the other a strict adherence to the provision of the extradition act was unnecessary and would probably be inconvenient and suggested the adoption of a set of Rules to meet the requirements of the Case. —

The Government of India forwarded at the same time for the Resident's consideration a copy of the rules framed to regulate the surrender of criminals between the Cantonment of Secundrabad and the Hyderabad State - and which it was remarked might be made adaptable to the Civil and Military Station. —

6. After a very careful consideration of the rules immediately above referred to. the Resident came to the Conclusion that their adoption as between the Civil and Military Station and Mysore was, for several reasons undesirable, and in his

reply

reply to the Government of India Mr Lyall stated fully the grounds of his objections to them.

7 It will be unnecessary for the purposes of the present Communications to detail the arguments advanced by the Resident in support of his views. It will be sufficient to state that the Conclusions arrived at by Mr Lyall were first — that a freer procedure might safely be allowed between the Civil and Military Station and the rest of Mysore. than between the Cantonment of Secundrabad and the rest of Hyderabad and secondly. that as the Magistrates of Mysore receive direct and execute all criminal processes of the Magistrates of British India, there was nothing of itself anomalous or in-Consistent with the Complete jurisdiction of the British Government in the Civil and Military station of Bangalore in the arrangement made by Mr Sandford and the Dewan. Mr Lyall asked the

Government.

Government of India to reconsider the question then before them and recommended that the arrangements made by Mr. Sandford and the Dunbar in 1881 for the reciprocal recognition and execution of all criminal processes issued respectively by Mysore and Civil and Military station Magistrates, might be sanctioned by the Governor-General in Council.—

Vide Resolⁿ: Letter No 1409/281 dt 5th Nov. with connected papers P.D. No 4

8. The continuance of these arrangements I am to say has now been formally sanctioned by the Governor-General in Council. The Secretary to the Foreign office in conveying the orders on the subject, remarks:— having regard to the strong objections which it is understood, would be entertained by His Highness' Government to any radical change of the existing system, and more particularly to the admittedly high standard which at present distinguishes the Administration of Mysore, the Government

of

of India are willing to permit tentatively of the continuance of the existing arrangements. But it should be clearly understood and explained to the Durbar that any deterioration of the Mysore Courts may necessitate a reconsideration of these orders. ——

1881-
1882

I have the honor to be
Sir,
Your most obedient Servant.

H. Wylie

Assistant to the Resident.

19

No. 1612—264.

OFFICE OF THE RESIDENT IN MYSORE.

Bangalore, 10th November 1884.

From

The Assistant to the Resident in Mysore.

To

The Dewan of Mysore.

SIR,

I have the honor by desire of the Resident to convey to you (in para 8 of this letter) for the information of the Government of His Highness the Maharaja the orders of the Government of India regarding the surrender of criminals between the Civil and Military Station of Bangalore and the Mysore State.

2. The correspondence which led to these orders being passed may be briefly stated as follows:—

In July 1883, the Government of India, in acknowledging the receipt of a copy of the correspondence which passed between the Resident and the Darbar in the case of one Jamal-ud-din *alias* Abdul Wahib, observed that the procedure in cases of extradition between the Civil and Military Station of Bangalore and the State of Mysore appeared to be governed by Rules framed in 1881 and requested, if such was the case, that the Foreign Office might be furnished with a copy of the rules in question.

3. In answer to this letter Mr. Lyall informed the Government of India that no rules on the subject under reference had been passed ; but that the question having arisen in 1881, the then Officiating Resident (Mr. Sandford) had expressed the opinion that criminal processes might be freely exchanged and executed between the Civil and Military Station and Mysore, as the former was not British but Mysore Territory. Mr. Lyall added that the Government of His Highness were also of the same opinion and that by virtue of the orders then passed there was now complete reciprocity in the execution of criminal processes between the Station and Mysore.

4. In reply to the above, the Government of India observed that the orders passed by Mr. Sandford and the Darbar appeared to be based upon an imperfect apprehension of the circumstances of the case. While admitting that the Civil and Military Station was no doubt Mysore Territory in that the ultimate sovereignty over it remained with the Maharaja, the Government of India pointed out that the exclusive management of the tract comprising the Civil and Military Station had been assigned to the British Government and that His Highness had expressly renounced all jurisdiction within it and that consequently it did not by any means stand on the same footing with the Districts of the Mysore State in regard to matters of jurisdiction, the Government of India could not therefore accept the theory put forward by Mr. Lyall's predecessor and the Darbar.

5. The Government of India then proceeded to observe that on the one hand the rules issued by the Darbar having never been sanctioned by the Governor

General in Council were not expressly binding on British Courts, and that on the other a strict adherence to the provision of the Extradition Act was unnecessary and would probably be inconvenient and suggested the adoption of a set of rules to meet the requirements of the case.

The Government of India forwarded at the same time for the Resident's consideration a copy of the rules framed to regulate the surrender of criminals between the Cantonment of Secundrabad and the Hyderabad State and which it was remarked might be made adaptable to the Civil and Military Station.

6. After a very careful consideration of the rules immediately above referred to, the Resident came to the conclusion that their adoption as between the Civil and Military Station and Mysore, was for several reasons undesirable, and in his reply to the Government of India Mr. Lyall stated fully the grounds of his objections to them.

7. It will be unnecessary for the purposes of the present communications to detail the arguments advanced by the Resident in support of his views.. It will be sufficient to state that the conclusions arrived at by Mr. Lyall were first that a freer procedure might safely be allowed between the Civil and Military Station and the rest of Mysore than between the Cantonment of Secunderabad and the rest of Hyderabad and secondly that as the Magistrates of Mysore receive direct and execute all criminal processes of the Magistrates of British India, there was nothing of itself anomalous or inconsistent with the complete jurisdiction of the British Government in the Civil and Military Station of Bangalore in the arrangement made by Mr. Sandford and the Dewan. Mr. Lyall asked the Government of India to reconsider the question then before them and recommended that the arrangements made by Mr. Sandford and the Darbar in 1881 for the reciprocal recognition and execution of all criminal processes issued respectively by Mysore and Civil and Military Station Magistrates, might be sanctioned by the Governor General in Council.

8. The continuance of these arrangements, I am to say, has now been formally sanctioned by the Governor General in Council. The Secretary to the Foreign Office, in conveying the orders on the subject, remarks:—having regard to the strong objections which, it is understood, would be entertained by His Highness' Government to any radical change of the existing system, and more particularly to the admittedly high standard which at present distinguishes the Administration of Mysore, the Government of India are willing to permit tentatively of the continuance of the existing arrangements. But it should be clearly understood and explained to the Darbar that any deterioration of the Mysore Courts may necessitate a reconsideration of these orders.

I have the honor to be,
SIR,
Your most obedient Servant,

H. WYLIE,
Assistant to the Resident.

17 Deputy's Office (11)

Camp. Ingwavuma 19 Jan/84

No 34

Courts

3a 1882--1883

6 lv

The Resident

Sir

I have acknowledging the receipt of yr Office letter No. 16/12/264 of 10th instant, I have the honor to tender you the best thanks of the Durban for advocating the Continuance of the present Satisfactory arrangement ~~which prevails~~ ~~to be carried out in the Ingwavuma~~ for the Reciprocal Execution of process issued in the C & M. States and Elsewhere in the Makanjas territories - The Durban Deputy cannot you further that a revision of this arrangement is now likely to be necessary by reason of the deteriorated ~~of~~ Ingwavuma Cto, & the Efficient maintenance of which the Govt. attaches very great importance.

I have &c

19/1-

18

No. 84

To

The Resident

in Mysore

Dated 19th Nov. 1884.

- Conveying the thanks of the Durbar for Acceding the continuance of the present arrangement for the reciprocal execution of processes between the C & In. States of Bangalore & the rest of Mysore, &c &c -

21

No. 34.

OFFICE OF THE DEWAN OF MYSORE,
Camp Mysore, 19*th November* 1884.

From

The Dewan of Mysore.

To

The Resident in Mysore.

SIR,

In acknowledging the receipt of your office letter No. 1612—264, dated 10th instant, I have the honor to tender you the best thanks of the Darbar for advocating the continuance of the present satisfactory arrangement for the reciprocal execution of processes issued in the Civil and Military Station and elsewhere in His Highness the Maharaja's Territories. The Darbar desire to assure you further that a revision of this arrangement is never likely to be necessary by reason of the deterioration of the Mysore Courts, to the efficient maintenance of which His Highness' Government attach very great importance.

I have the honor to be,
SIR,
Your most obedient Servant,
K. SHESHADRI IYER,
Dewan of Mysore.

M. G. C. Press.—18-4-93.—50.